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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/085,820 | 02/26/2002 | David Knox | 640-A01-004 | 2390 |
| 23334 | 7590 | 05/03/2007 | | |
| FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487 | | | EXAMINER CHANDLER, SARA M | |
| | | | ART UNIT 3693 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/085,820 | KNOX ET AL. | |
| | Examiner | Art Unit | |
| | Sara Chandler | 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 March 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper.No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/26/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

Applicant's election without traverse of claims 1-16 in the reply filed on 03/02/07 is acknowledged.

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Objections

The following claims are objected to because of the following informalities:

Re Claim 1: "credit limit are to sufficient" should be -- credit limit are sufficient --

Re Claim 6: "repayment porting" should be -- repayment portion --

Re Claim 9: "purchase transactions" should be – purchase transactions --

Re Claim 13: "where" should be -- were --

Re Claims 14 and 16: "determination" should be -- determining --

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 1, 2,3: The claims recite the limitations "credit information indicative of the loan granting and loan repayment" and "personal information indicative of a person associated with the first account". Something that is "indicative" of something else is merely something that points out, signifies or shows something else. Wouldn't any credit information (e.g., credit score, credit history, available credit etc.) necessarily be "indicative" of the loan granting and repayment terms that can be obtained? Wouldn't any personal information be "indicative" of a particular person? For purposes of claim interpretation any information that may be considered to be credit information or personal information reads upon the respective claim limitations. See also MPEP § 2111.

Re Claims 2,3: The claims recite the limitation "personal information indicative of a person associated with the first account but does not include other financial information related to the person." The limitation is indefinite because it is unclear what information is included or excluded from the scope of the claim.

Re Claims 2,3,4,7,8,9,14 and 15: The terms or phrases "substantially only", "substantially", "a degree of similarity" are relative terms and phrases which render the claims indefinite. The terms or phrases are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Re Claim 6: The claim recites the limitation "wherein the loan repayment portion is indicated by a person associated with the first account." It is unclear what is meant by

this limitation in the claim. Wouldn't any repayment made by a loan recipient necessarily do this? See discussion of "indicative supra and also MPEP § 2111.

Re Claims 10,11,12,13,14,15,16: What is meant by term "anonymous"? The claim is unclear and indefinite because anonymous can mean both something that is nameless or unnamed; or something from an unknown source. If the transactions are truly "anonymous" (e.g., unknown source) how can these limitations even occur. That is how could you ever associate the transactions with their source (e.g., person, account); or the anonymous and non-anonymous transactions as coming from the same source (e.g., person, account). See also MPEP § 2111.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hogan, US Pat. No. 6,315,193.

Re Claims 1-9: Hogan discloses an automated method of authorizing a consumer purchase comprising the steps of:

receiving a first deposit transaction depositing funds within a first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4,

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lines 40+ - col. 7, line 52);

determining a first credit limit associated with the first account wherein the first credit limit is based upon account information associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

receiving a request for authorization of a purchase transaction associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

authorizing the purchase transaction if funds within the first account plus the first credit limit are sufficient to facilitate the purchase transaction (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

determining a loan amount in response to an amount of the first credit limit utilized for said step of authorizing (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

granting a loan in response to the loan amount (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

receiving a subsequent deposit transaction having additional funds associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52);

applying a loan repayment portion of the additional funds to at least partial repayment of

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the loan and transferring a remaining portion of the additional funds to the first account

(Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52); and

generating credit information indicative of the loan granting and loan repayment (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 10-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan as applied to claims 1 and 9 above, and further in view of Kazaks, US Pub. No. 2002/0046341.

Re Claims 10-14: Hogan discloses the claimed method supra and Hogan further discloses:

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receiving personal information identifying the person associated with the first account

(Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52) wherein

said step of determining the first credit limit includes account information from the plurality of deposit and purchase transactions in the determination of the first credit limit (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Hogan fails to explicitly disclose:

wherein at least a portion of the transactions of said steps of receiving the plurality of deposit transactions and authorizing the plurality of purchase transactions are anonymous, without identification of a person associated with the first account; and wherein the account information from the plurality of deposit and purchase transactions is a plurality of anonymous deposit and purchase transactions.

Kazaks discloses:

wherein at least a portion of the transactions of said steps of receiving the plurality of deposit transactions and authorizing the plurality of purchase transactions are anonymous, without identification of a person associated with the first account (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]); and

wherein the account information from the plurality of deposit and purchase transactions is a plurality of anonymous deposit and purchase transactions (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hogan by adopting the teachings of Kazaks to provide a method wherein at least a portion of the transactions of said steps of receiving the plurality of deposit transactions and authorizing the plurality of purchase transactions are anonymous, without identification of a person associated with the first account, and the method further comprises the step of: receiving personal information identifying the person associated with the first account wherein said step of determining the first credit limit includes account information from the plurality of anonymous deposit and purchase transactions in the determination of the first credit limit.

As suggested by Kazaks it is often convenient or necessary for individuals to avoid using cash but, individuals may have been reluctant to use alternative payment means that were traditionally available because of their reluctance to divulge personal information or because of the fear of fraudulent use.

Re Claim 16: Hogan discloses the claimed method supra and Hogan further discloses: receiving personal information identifying a person associated with the first account (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52) wherein said step of generating credit information includes loan and Loan repayment information occurring prior to said step receiving personal information (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Hogan fails explicitly disclose:

wherein at least a portion of the loan granting and repayment are anonymous, without identification of a person associated with the first account; and wherein generating credit information includes loan and loan repayment information is generating credit information includes anonymous loan and loan repayment information.

Kazak discloses:

wherein at least a portion of the loan granting and repayment are anonymous, without identification of a person associated with the first account (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]); and wherein generating credit information includes loan and loan repayment information is generating credit information includes anonymous loan and loan repayment information (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Hogan by adopting the teachings Kazaks to provide a method wherein at least a portion of the loan granting and repayment are anonymous, without identification of a person associated with the first account, and the method further comprises the step of receiving personal information identifying a person associated with the first account wherein said step of generating credit information includes anonymous loan and Loan repayment information occurring prior to said step receiving personal information.

As suggested by Kazaks it is often convenient or necessary for individuals to avoid using cash but, individuals may have been reluctant to use alternative payment

means that were traditionally available because of their reluctance to divulge personal information or because of the fear of fraudulent use.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan and Kazaks as applied to claims 10,12 and 13 above, and further in view of Voltmer, US Pub. No. 2002/0112177.

Re Claim 15: Hogan in view of Kazaks discloses the claimed method supra and Hogan further discloses wherein said step of validating further comprises the steps of:
a person causing deposit and purchase transactions occurring subsequent to said step receiving personal information (Hogan, Figs. 1A,1B, 2,3A,3B,4A,4B, abstract, col. 1, lines 1-5, col. 1 line 55+ - col. 4, line 10; col. 4, lines 40+ - col. 7, line 52).

Hogan fails to explicitly disclose wherein said step of validating further comprises the steps of:

a person causing deposit and purchase transactions occurring prior to said step receiving personal information;
determining an anonymous biological identification of an anonymous person;
determining a non-anonymous biological identification of a non-anonymous; and
determination a degree of similarity between the anonymous and non-anonymous biological identifications.

Kazaks discloses wherein said step of validating further comprises the steps of:
a person causing deposit and purchase transactions occurring prior to said step receiving personal information (Kazaks, US Pub. No. 2002/0046341, Figs. 1,2,3, abstract, [0001] – [0023]; [0037] – [0051]; [0064] – [0070]).

Voltmer discloses:

determining an anonymous biological identification of an anonymous person (Voltmer, Figs 1-13, abstract, [0001] – [0102]);
determining a non-anonymous biological identification of a non-anonymous person (Voltmer, Figs 1-13, abstract, [0001] – [0102]); and
determination a degree of similarity between the anonymous and non-anonymous biological identifications (Voltmer, Figs 1-13, abstract, [0001] – [0102]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Hogan, Kazaks and Voltmer to provide a method wherein said step of validating further comprises the steps of: determining an anonymous biological identification of an anonymous person causing deposit and purchase transactions occurring prior to said step receiving personal information; determining a non-anonymous biological identification of a non-anonymous person causing deposit and purchase transactions occurring subsequent to said step receiving personal information; and determination a degree of similarity between the anonymous and non-anonymous biological identifications.

As suggested by Voltmer, one would have been motivated to address the needs of most individuals to establish personal identity many times a day by providing a secure means identity (i.e., biological), that is objective, automatically measured, and resistant to impersonation, theft or fraud.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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